

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 16940 of 2004

Between:

- 1 The Prohibition and Excise Superintendent, Warangal District.
- 2 The Deputy Commissioner of The Prohibition and Excise, Warangal Division, Warangal District.
- 3 The Commissioner of Prohibition and Excise, Andhra Pradesh,

Hyderabad - 500 001.

..... PETITIONERS

AND

K. Mahender Reddy, Hindu, S/o Venkat Reddy,
R/o D.No. 1-8-297, Balasamudram, Hanmkonda, Warangal , Warangal District,
presently working as Excise Sub-Inspector, Yellandu Station, Yellandu, Khammam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Certiorari calling for the records relating to O.A.No. 964/2003 dated 18-2-2003 and quash the same as illegal and arbitrary.

Counsel for the Petitioners:GP FOR SERVICES II

Counsel for the sole Respondents: None appeared

The Court made the following :

ORDER: (PER GR.J)

-

The Respondent-Excise Sub-Inspector, Yallandu Station assailed the proceedings, dated 20.12.2002 issued by the 1st petitioner herein, whereby, Rs.78,000/- was directed to be recovered from the salary of the respondent in 36 equal instalments of Rs.2,167/- per month commencing from February 2003 onwards, on the ground that the order of recovery was issued without notice or opportunity to him and 10 years after the alleged loss of Rs.78,000/- caused to the department. The recovery was ordered in respect of what is alleged to be non-return of certain empty crates of arrack during October 1992, when the petitioner was incharge of the arrack sales depot, Khasra, Warangal District.

The O.A. was allowed by the Andhra Pradesh Administrative Tribunal by order, dated 18.02.2003 on two grounds:

- a. that the order was issued without notice and opportunity to the respondent herein and
- b. that the order was issued after a lapse of 10 years from the date of appraisal of the alleged loss to the Government and without any proper explanation for the extraordinary delay.

The learned Government Pleader appearing for the petitioners does not dispute the fact that no notice or opportunity was given to the respondent before

passing of the order impugned in the O.A.

In view of the circumstances, we find no error in the order of the A.P.Administrative Tribunal to warrant interference. The writ petition is misconceived and it is accordingly dismissed at the stage of admission. No costs.

-

-

J.CHELAMESWAR.J

GODA RAGHURAM.J

21.09.2004

tjs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Prohibition and Excise Superintendent, Warangal District.
- 2 The Deputy Commissioner of The Prohibition and Excise, Warangal Division, Warangal District.
- 3 The Commissioner of Prohibition and Excise, Andhra Pradesh,

Hyderabad - 500 001.

4. 2CCs to the G.P.for Services-II

5. 2CD copies

